

Message Text

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ORIGIN EB-11

INFO OCT-01 CIAE-00 COME-00 DODE-00 INR-10 NSAE-00 RSC-01

TRSE-00 EUR-25 AEC-11 ADP-00 (ADP) R

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5/21/73 EXT 20442

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RPE

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R 212338 Z MAY 73

FM SECSTATE WASHDC

TO USMISSION OECD PARIS

C O N F I D E N T I A L STATE 097436

EXCON

EO 11652: XGDS-1

TAGS: ESTC, COCOM, US, RO

SUBJ: EMBARGO STATUS OF FLATPACK HOUSINGS - IL 1564

REFS: A. COCOM DOC(72)2397

B. OECD PARIS 12548

1. FRENCH DEL INQUIRY MAY BE ANSWERED BY STATING THAT THE WORDS " SPECIALIZED COMPONENTS, ETC." WOULD HAVE THE SAME CONNOTATION AS IN OTHER IL ITEMS WHERE THEY APPEAR. EXAMPLES IN THE CASE OF 1564 ARE HOUSINGS, DICE, CHIPS, HEADERS, AND LEAD FRAMES.

2. NET RESULT OF DISCUSSIONS SO FAR IS THAT SOME MEMBERS BELIEVE THAT SOMETIMES AP-4 SHOULD APPLY AND SOMETIMES IT SHOULD NOT. HOWEVER, THE JUDGMENT OF WHETHER TO ENVOKE AP-4 CAN ONLY TAKE PLACE WHERE LICENSE APPLICATIONS HAVE BEEN RECEIVED. THEREFORE DEBATE THUS FAR DOES NOT BEAR ON THE QUESTION AT HAND WHICH IS RATHER WHETHER TO REQUIRE EXPORT LICENSES FOR THE PRODUCT. BELGIAN DEL' S
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REMARKS ILLUSTRATE THE US PROBLEM. GOB POSITION ON THE ONE HAND IS THAT THE HOUSINGS ARE UNEMBARGOED BUT ON THE OTHER THAT THE EXPORTING GOVERNMENT SHOULD CAREFULLY REVIEW END USE TO DETERMINE WHETHER AP-4 SHOULD BE ENVOCKED. THE FIRST

ELEMENT NEGATES THE SECOND BECAUSE IF NO LICENSE APPLICATIONS ARE RECEIVED FOR THE HOUSINGS, NO CASES WILL ARISE FOR REVIEW. THE PRESENT CIRCUMSTANCES ARE THAT, ALTHOUGH END USE IS BEING EXAMINED INSIDE THE COMMITTEE, ACTUAL EXPORTS ARE GOING FORWARD OUTSIDE THE COMMITTEE WITHOUT REFERENCE TO MEMBER GOVERNMENTS.

3. THE UK PROPOSAL THAT SOLUTION CAN BE FOUND THROUGH COMMITTEE AGREEMENT THAT FLATPACK HOUSINGS ARE COVERED BY IML 11 APPEARS ALSO TO BE IMPRACTICAL BECAUSE EXPORTERS ARE NOT LIKELY EVER TO ATTRIBUTE THESE HOUSINGS TO IML-11 UNLESS EACH MEMBER ISSUES SPECIFIC REGULATIONS TO THAT EFFECT. INASMUCH AS SUCH SPECIFIC COVERAGE SHOULD MOST APPROPRIATELY AND CONVENIENTLY APPEAR IN IL 1564, THE UK SUGGESTION LEADS LOGICALLY BACK TO THE US PROPOSED ADDITIONAL SUB- ITEM TO WHICH UK HAS ALREADY OBJECTED.

4. THEREFORE, UNLESS THE EMBARGO STATUS CAN BE CLARIFIED THROUGH SOME MEANS AKIN TO US PROPOSED SUB- ITEM, IT APPEARS UNLIKELY THAT ANY EFFECTIVE INTERNATIONAL CONTROL OVER FLATPACK IC HOUSINGS EXISTS AT THE PRESENT TIME OR THAT ANY CONTROL CAN BE ESTABLISHED BY MEANS OF THE ALTERNATE SUGGESTIONS THUS FAR OFFERED TO THE COMMITTEE. RUSH

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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts:
Control Number: n/a
Copy: SINGLE
Draft Date: 21 MAY 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: willialc
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE097436
Document Source: CORE
Document Unique ID: 00
Drafter: JMGREGORY, JR.: MAR
Enclosure: n/a
Executive Order: RR
Errors: n/a
Film Number: n/a
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730550/aaaaj niz.tel
Line Count: 94
Locator: TEXT ON-LINE
Office: ORIGIN EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 72 COCOM DOC (72) 2397, 72 OECD PARIS 12548
Review Action: RELEASED, APPROVED
Review Authority: willialc
Review Comment: n/a
Review Content Flags:
Review Date: 20 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20-Aug-2001 by izenbei0>; APPROVED <09-Oct-2001 by willialc>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> gwr 980225
Subject: EMBARGO STATUS OF FLATPACK HOUSINGS - IL 1564
TAGS: ESTC, RO, US, COCOM
To: OECD PARIS
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005